

NOTES Dairy Stewardship Coordination Workshop July 10, 2006

Welcome and Program Overview

The session opened with remarks from California Department of Food & Agriculture's Undersecretary A.J. Yates and the Natural Resources Conservation Service State Conservationist Lincoln "Ed" Burton where both expressed a commitment to work together with the partnership to help California's dairy producers be environmentally and economically sustainable. Maintaining partnerships and communication among partners is of critical importance to work collaboratively.

Key issues addressed were the economic and strategic importance of dairies in California, increasing environmental performance through the Environmental Quality Incentives Program (EQIP) and the California Dairy Quality Assurance Program (CDQAP). There is a continued need for synergistic collaboration among CDQAP partners to identify applied research and demonstration projects.

• Applied Research

The UC Davis Department of Agriculture and Natural Resources conducts air quality and water quality applied research and continuing education for animal agriculture. Currently four academic work groups that link campus academia, research faculty and cooperative education specialists with local county advisors: 1) Dairy Health and Production, 2) Air Quality, 3) Water Quality, and 4) CDQAP. Research partners are committed to moving forward together.

Partnerships

103 Resource Conservation Districts (RCDs) in the state – RCDs coordinate and find resources with many of the CDQAP partners providing technical assistance to farmers and ranchers. Several of the Central Valley RCDs have assisted in implementation of air quality plans in San Joaquin Valley.

• The Central Valley Regional Water Quality Control Board (Central Valley Water Board) will soon be adopting waste discharge requirements (WDR) for existing milk cow dairies. CDQAP partners have worked diligently to provide technical and policy suggestions on the draft waste discharge requirements.



♣ Regulatory Outlook & Resource Needs

• Central Valley Regional Water Quality Control Board (Central Valley Water Board)

Central Valley Water Board staff's main goal is to develop a set of waste discharge requirements or WDRs that are clear in terms of how dairy producers are affected and how best to comply. Staff has been reviewing comments on the first draft of the WDRs from both dairy industry representatives and the environmental community. The second draft will be a public release draft developed at the end of the summer, likely in August, with opportunity to comment for 30 days. Subsequently, after the 30 day review period the draft document will be scheduled for hearing at the Central Valley Water Board for consideration. A target date for hearing is October 26-27.

CDQAP is expected to be the lead on the educational component of the WDR requirements in terms of helping with compliance. The draft WDR will have a lot of new paperwork requirements and the partnership with CDQAP will help dairy producers attend classes helping to educate the dairyman on particular requirements. It is likely the classes with be held over a period of 12 to 48 months coinciding with established deadlines contained within the set of WDRs. This process will help with the phase-in of the requirements especially for nutrient management planning and groundwater monitoring.

The dairy program at the Central Valley Water Board is understaffed to manage the new WDR requirements. There is a need to maintain a field presence (for surface discharges) and respond to complaints as necessary.

There is an NPDES permit being developed for federal compliance for dairies that are actually discharging and this will be significant for a small percentage of dairies in the Central Valley region.

There are still some questions and concerns for the construction requirements for new ponds. Central Valley Water Board staff will not be developing new regulations for new ponds yet. Furthermore, staff is not addressing hormones or pharmaceuticals for now.

With regard to the California Environmental Quality Act (CEQA), if the Central Valley Water Board has to produce an Environmental Impact Report for the new WDR, the process will slow down. Central Valley Water Board staff is encouraging counties to prepare CEQA documents to cover dairy expansions.

• State Water Resources Control Board (State Water Board)

The Central Valley Water Board has staff, but the staff is unable to design facilities for dairies. Staff in the past has provided fact sheets to assist producers to identify sources of expertise on facility design, pond construction, permitting, etc. These fact sheets need updating and the



State Water Board can assist with providing resources to help dairy operators understand regulations and where to go to get design assistance.

The State Water Board administers Proposition bond funds for several programs like non-point source, groundwater, and agriculture water quality. Under Proposition 50, a small percentage of the funding goes to dairies. Approximately, \$5 million under Prop 50 goes to a small dairy grant program – 5 grants being given out – 3 to Resource Conservation Districts, 1 to County and 1 to a nonprofit. Most grants favor operators who already have U.S. Department of Agriculture Environmental Quality Incentive Program (EQIP) contracts. The EQIP dollars help to leverage additional funding. Under existing Proposition 13 funding there is a limited about of money for counties to develop their own dairy ordinances.

There are \$100 million in grants going to agriculture water quality program. Most of the funding is dedicated already and dairies could compete, but currently only receiving a small amount. Existing pot of funding is minimal and additional funds would have to come through new bond measures. It is expected a new bond measure will be on November ballot to address these needs.

• San Joaquin Valley Air Pollution Control District (SJVAPCD)

Below is a summary of air quality regulations since the result of Senate Bill 700 in 2003 lifting agriculture exemptions from air quality regulation.

- Rule 4550 Minimizing fugitive dust emissions (PM-10) Rule 4550 contains requirements to control fugitive dust emissions from agricultural operations. It establishes the Conservation Management Practices (CMP) Program that requires agricultural operation sites to select and implement CMPs, and submit these to the SJVAPCD Air Pollution Control Officer (APCO) for approval. Regulations have been rolled out over the past several years through RCDs e.g. CMP Plans that apply to 500+ head dairies and producers must select from menu of management practices.
- Permitting program new to SJVAPCD and new to dairies. SB700 lifted permit exemptions. Need to issue air quality permits to existing and new dairies that total approximately 1,000 plus milk cows based on emissions. About 250 dairies have been issued permits, 50 are now in the cue to receive new permit requirements. New efforts by other agencies to bring dairies into permit compliance and we want to be sure they are addressing all the other requirements for dairies. We want producers to be able to understand all the requirements.
- Rule 4570 CAF rule adopted by Board applies to 1000 plus milk cow dairies. The new rules requires reduction of Volatile Organic Compounds (VOC) through selection of 19 practices from menu of 70 practices in rule ranging from feed to liquid and solid waste management practices. Alternatives are allowed and producers can propose other methods of emission reductions for approval. Operators can tell SJVAPCD how they will



comply and therefore need to make sure they are meeting requirements of other regulators too.

 Engine rule – Rule 4702 requires replacement of diesel engines by a certain date (and other spark-ignited engines). Need to keep records of operating hours and operational characteristics.

The goal of the SJVAPCD is to have a package of all requirements that are clearly understood by dairy operators of what specifically is required by each rule.

Currently, SJVAPCD has sufficient staff to implement rules and is conducting outreach and education workshops to aide in compliance. Staff has full commitment from the SJVAPCD Board to assist producers in meeting regulations.

• U.S. Environmental Protection Agency (EPA)-Region 9

CAFO rule making by EPA has a different terminology than California which uses "Confined," verses "Concentrated" by EPA.

From 1997-98, EPA was sued by environmental groups to come up with NPDES requirements for CAFOs. In 2003, EPA issued final CAFO rule. EPA was sued again by NRDC and other environmental groups, agricultural industry, and the Farm Bureau. A ruling in 2005, the Water Keepers decision, determined that EPA overstepped authority requiring that all CAFOs must obtain an NPDES permit. The Second Circuit Court of Appeals ruled that the "duty to apply" was vacated. Therefore, EPA will propose that owners and operators of CAFOs that discharge or propose to discharge seek coverage under an NPDES permit. Secondly, EPA proposes to require CAFOs seeking coverage under the NPDES permit to submit Nutrient Management Plans as part of the NPDES permit and therefore are a public document that requires a public process (including allowing opportunity for comment).

CAFOs that only discharge during a storm event are not required to have a NPDES permit.

Revised rule was published in the Federal Register on June 30, 2006 – comments due August 14. Expect to issue final rule in January 2007.

Listening sessions on the revised rule are being held in California beginning August 3 – a total of 5 listening sessions are being held.

New rule only governs CAFOs that actually discharge or propose to discharge – will be a small subset of entire dairies. Any discharge in production area is considered to be illegal. Facility design and management must achieve zero discharge, adequate capacity in lagoons, account for close proximity to surface waters, and address past performance problems. Also have template for Nutrient Management plans in proposed rule.



EPA awarded a grant to the California Dairy Quality Assurance Program (CDQAP) to help with developing a checklist.

Open Discussion-Regulatory Outlook & Resource Needs Section

- Are the documents from SJVAPCD public information? Is there a determination being made on that from Homeland Security? If not, how come the water quality documents are public documents?
- SJVAPCD specifically requested a determination from Homeland Security on releasing information and the district is awaiting a final ruling from them. Have been successful in not giving out site specific information so far. The general practice to date amounts to handing out summaries of information not specifics.
- Central Valley Water Board staff is also concerned about the release of information. Staff has an agency wide policy for handling trade secrets and proprietary information, but if information is not a trade secret or proprietary, it could then be released to whoever is requesting. On Homeland Security, we have not seen a specific request from the Central Valley Water Board asking Homeland Security for a review of this issue as it relates to water quality documents. The Central Valley Water Board has the ability to submit a request for this determination if needed.
- One of the goals today is to identify opportunities to fill gaps and identify ways we can synergistically apply funding and other resources to help dairies meet regulations. How can science and technology be brought together to offer assistance/oversight on a multimedia basis?
- Yes, the SJVAPCD has coordinated closely with universities, stakeholders, and the Air Resources Board. There is new research on air emissions coming from dairies and we will be looking at this to use the latest information in any rule making activities.
- Are there any funding opportunities for direct research in environmental fate and best management practices (BMPs)?
- Central Valley Water Board staff is not aware of any funding opportunities that on a regular basis target research for environmental fate and BMPs. Staff does have opportunities to direct grant funds or support projects through grants, as an example, nutrient management and other dairy waste issues have been addressed this way in the past. As we look at the Waste Discharge Requirements (WDRs), a number of issues are being raised and we will be looking at these in the future. Staff through the WDR process will inevitably generate a list of research needs that could be funded.
- At the State Water Board, most of proposition bond measure monies dedicated so far have been to improve water impairments directly. The only research that has been funded is if it



supports one of these direct projects. The focus of the bond measures is on making actual improvements to water quality.

- Are there any other multi-media approach ideas?
- The State Water Board gave \$600,000 of water bond funds for an air study and we are talking to ARB to identify connections between air and water quality at dairies.
- The SJVAPCD has had to deal with California Environmental Quality Act (CEQA) extensively. Dairies often have to hire consultants to prepare the CEQA documents. Many regulations overlap and there is a need to be regularly examining these cross connections to be sure they work together.

4 Technical Assistance Providers Opportunities and Resource Needs

• California Dairy Quality Assurance Program (CDQAP)

The role of CDQAP is to achieve compliance through education. We have an established education program developed with the producer perspective in mind. The program has assisted with stewardship activities and record-keeping. The program makes use of existing partnerships and works to identify information necessary for effective dairy operations and fill gaps of knowledge on key issues critical to the industry. Meetings held quarterly for CDQAP partners are designed to review pending action items, develop areas for future work, and coordinate mutually beneficial projects that help dairy producers.

CDQAP is maintaining a communication channel by providing timely and useful information for producers and partners. Information sharing among partners can be conduit to leverage limited resources. CDQAP has a third party certification program assisting industry to increase their environmental performance.

CDQAP Needs:

- -Continue partnering efforts and collaboration
- -Continue scientific-based research and vetting of information pieces to assure accuracy and address cross-media issues. Providing information and pathways to compliance, producers will develop most technologically sound and best-fit solutions for their dairy.
- -Continue financial support, the educational effort for producers, and the support industry (feed salesmen, consultants, etc.)
- -Material development for meetings/workshops
- -Continued certification, training and on-farm implementation



• Natural Resources Conservation Service (NRCS)

NRCS provides assistance to producers to achieve conservation through offering technical assistance from a large array of disciplines including engineers, agronomists, biologists, geologists, air and water quality specialists, and soil scientists.

NRCS is committed to help animal agriculture meet regulations by utilizing practice standards (part of Field Office Technical Guide) available on the internet. Practices are implemented to address all resources concerns.

Working with farmers/ranchers is completely voluntary. State Conservationist set aside part of EQIP funds in 2006, approximately \$10.5 million for dairy producers.

Current NRCS Work and Needs:

- -NRCS Dairy team agronomist and engineer located in Central Valley-Fresno
- -Training provided to NRCS staff on working with dairies
- -Need science-based guidance and criteria to help producers meet existing regulations and remain productive and protect surface and ground water.
- -NRCS committed to assuring standards are up to date

NRCS is conducting work in seepage requirements for waste storage ponds and working with the Central Valley Water Board fto get concurrence on these standards.

• CDFA, Milk and Dairy Food Safety Branch

CDFA is working with the existing and new mandates from Federal Food and Drug Administration and have 12 evaluators to cover the entire state, from Humboldt County to Los Angeles County, most are in the Fresno/Tulare area. Branch works very close with University California Cooperative Extension, other CDFA Branches, along with state and federal agencies.

The Milk and Dairy Food Safety Branch has completed about 300 evaluations with 230 certifications being CDQAP stewardship certifications. Some of the original CDQAP certifications have expired and are ready with a 5 year renewal and those dairies are currently going through re-certifications. The evaluations are comprised of a 16 page checklist. Requests for renewal under the CDQAP certification program are made directly to the program director and assistant program directors for CDQAP. Once the requests for recertifications are received and processed then CDFA evaluators conduct an evaluation on site at the dairy. Each evaluation general takes about 6-7 hours including driving time.

Milk and Dairy Food evaluators recognize common issues on the dairies that include cross-connections with groundwater pipes and manure water blending lines in addition to backflow prevention.



• University of California

Involvement in CDQAP began in 1997 with the recognition to coordinate available resources. Substantive contributions of resources are currently being invested to the CDQAP.

University staff is currently working with Central Valley Water Board on outreach and education programs aimed at water quality.

Every producer will have to:

- Perform mass balance
- Evaluate storage facilities
- Address land treatment
- Collect ancillary data needed for nutrient management including crop yields, water use, monitoring data, crop needs
- Comply with new air regulations

University staff in conjunction with CDQAP partners next steps:

- Develop manageable monitoring systems
- Evaluate existing technologies based on efficiency and economy
- Perform needed research
- Address research and outreach related to food safety and welfare, agri-terrorism, and other issues

Most difficult challenges:

- 1. Cross-matrix permitting. Construction on dairies for facilities improvements and the need to coordinate with air and water issues e.g. develop list of practices commonly beneficial to both. If some have negative impacts, then have team look at how they can be used to minimize negative impacts. Streamline permitting
- 2. Leverage funding for research on compliance and outreach. Estimate need funding of \$200,000-250,000 per year to do. Use Dairy check-off funds for food safety research. Change USDA policy to allow EQIP funds for education.
- 3. Central coordination of environmental dairy research. Establishment of a Center for research? Look at the Dairy Air Emissions Action Plan model. Bringing resources together needs coordination to assure no double dipping and efficient use of funds.

Merced County

Currently have 305 dairies in Merced County. County is active in promoting the dairy industry while protecting environmental concerns. County received a loan of \$15 million from the State Revolving Loan fund for ground and surface water. Received grant from State Water Board and is coordinating with air emission study from UC Davis. Also have other grants helping dairies comply with environmental regulations.



Grant from SWRCB – purpose is to develop a uniform consistent format to prepare Nutrient Management Plans and Waste Mgt Plan – including reporting, tracking and monitoring forms. Goal is for producers to utilize this – will make available in electronic format and will be user-friendly.

There is an educational component to the grant. CDQAP is helping develop educational material for new format for example how to sample water, soil, etc.

Hearing from producers: "Make regulations reasonable, make them clear and give me guidance on how to comply" – these are the goals of Merced's program.

From regulatory standpoint – Merced County is a regulatory agency with strong educational emphasis. Are opportunities to integrate water and air issues – use same local inspectors – are pursuing this with the air district and RWQCB.

Role of County Ag Commissioner – have dairy technical advisory committee – made up of commissioner and dairy producers.

• Community Alliance for Responsible Environmental Stewardship (CARES)

CARES formed in 2001 and is a coalition comprised of various dairy groups, including 3 of the largest dairy cooperatives in the United States, plus Western United Dairyman, California Milk Producers Council, California Dairy Campaign, Hilmar Cheese, Dairy Institute of CA, CA Milk Advisory Board, CDQAP, CDFA, and others.

CARES aim is to seek balanced policies both economic and environmental by promoting dairy stewardship through programs like CDQAP. Additionally, CARES helps by providing a scientific-basis to help facilitate a constructive participation.

Recent activities include supporting CDQAP and leveraging funds and staff. In 2005, CARES assisted in workshops for implementing Rule 4550 (air quality – fugitive dust emissions) by holding 19 workshops in 8 counties and helped producers fill out forms.

CARES assisted the Central Valley Water Board with workshops to fill out Report of Waste Discharge (ROWD) forms. CARES helped inform dairyman about the workshops for the ROWD and will be assisting similarly with Rule 4570 (air quality – VOC emissions) and when WDRs are final.

Technical service provision of CARES sends representatives to meetings on research and policy development, and regulatory development. Help develop industry position/consensus. Working toward common understanding, including what agencies need to accomplish.



Have provided financial support for critical research, for example air research to allow air SJVAPCD to finish Rule 4570 about \$500,000 needed. Additionally, CARES provided approximately one-third of the funding for this effort.

CARES will continue this type of technical assistance, representing dairy producers and once regulations are final will help producers comply.

Needs:

- Realistic goals allow enough time and realistically assess what we can get 2,000 independent producers to do.
- Need additional resources beyond traditional EQIP.
- Communication important need cooperation of every dairy producer. Minimize
 negative comments in the press many are doing a great job already. Need consistent
 message on how industry is moving forward on these issues (e.g. messages from
 SJVAPCD acknowledged good air quality management practices of producers).

Open Discussion- Technical Assistance Providers Opportunities and Resource Needs

Remember this is a statewide issue – not just Central Valley. Central Valley is major component. Any more ideas on what opportunities exist for us in moving forward?

Industry is working hard to find environmental solutions and sometimes make mistakes, sometimes have misunderstandings with regulators and there is a need to recognize mistakes will happen and keep building trust. We are all trying to do the right thing. Keep working together.

Thank you to A.J. Yates for hosting this today. It would be great if research and technology could lead to regulations and not the other way around. How can the CA Milk Advisory Board help fund research? Important to get this right so can continue producing milk in the state.

4 Strategy Forum

Talking Points

- Protect the environment
- Coordination of resources
- Science-based technology
- Cost-effective compliance practices
- Timeliness of permit processing
- Reasonable regulations
- One-stop shopping/integrated permitting



One-stop shopping – at a meeting last week – had presentations from outside the state. In Idaho – when a dairy files an application to build a new dairy, the regulatory agencies have to have all the air, water and other permits ready to go so the dairy can build on the 91st day. Need this kind of coordination in CA to get a timely response – actual # days not important – but needs to get done and not take years.

Coordination – who will do the coordination to bring agencies together? Need some direction on this. Do we need a subgroup of this group?

Western United Dairyman (WUD) – Many existing structures in place already and we need to use these. Need to understand roles of each however. In the water quality arena – have technical service providers – i.e. those doing work in the field. They need to be trained and need to be validated by someone so producer knows who he is paying is qualified.

Is research completed? No but research cannot be the entire focus. Need people on the ground to help producers - just like for air quality. Some producers will want to use consultants other than CDQAP. Consultants aren't here in the room but will be needed.

Question is who is overseeing quality/certification?

State Water Board -Who will start coordination of the agencies? Who is in charge? Long list of players involved. No one entity has authority to require coordination. Start by listing agencies we are interested in coordinating. Need staff person from each agency identified to help with coordination. Need to hold them accountable.

CARES – There has been a hard time writing air regulations, but in the end many people got together around the table and worked through the process. Can we get people appointed to a working group to make this all work? Caution about getting too formalized.

EPA-Region 9 – EPA is a co-chair on an interagency agriculture coordinating team (IACT) with many agencies here today are on the team including UCD, State Water Board, ARB, RWQCB, NRCS, EPA, and CDFA. The purpose of IACT is to coordinate activities on dairies and share information, problem-solve, raise and address critical issues, and coordinate among agency staff.

CARES – Are industry people involved?

EPA-Region 9 – No, however the California Association of Resource Conservation Districts are involved.

CARES – How do we include industry?

EPA-Region 9– One way is through the CDQAP partners' process.



UC – On the issue of cross-matrix permitting, CDQAP has been traditionally involved. RWQCB and air districts not traditionally involved directly. The coordination is mostly done through state level agencies. CDQAP has immediate information needs and need to resolve now with a small number of people, for example, RWQCB, UC – Need to know what date and timeframe for allowing expansion of dairies, and what constitutes an expansion. There will be a need to know before we can conduct outreach with producers.

UC supports the subcommittee concept and could start with the meeting already being held tomorrow, state agency coordination group at CalEPA.

RWQCB does not have infrastructure or resources to provide technical guidance and assistance.

Now, producers know they have to build ponds, but do not know what requirements are, for example, what are the requirements for settling basins, concrete pads for ponds, air quality requirements?

CARES – Producers need to know how they can move forward.

EPA-Region 9 – In Texas there where three different environmental agencies that were folded into one state agency which is currently the frontline permitting agency. This agency has achieved one-stop permitting for animal feeding operations.

In California permitting authority can do both air and water for federal by initiating the process here at Central Valley Water Board and SJVAPCD levels. Identify any impediments and let federal and state agencies know what they are.

California Dairy Campaign (CDC) – On the issue of one-stop shopping, CDFA could coordinate the one-stop shopping concept. Dairies are an existing regulated industry through CDFA, and therefore CDFA is best set to assist producers. If this one-stop shopping concept were to be done at county level, there will be dozens of different answers to same question, depending on what county you are in. For example, Comprehensive Nutrient Management Plans, four different folks are working on them, so we need to get from A to B first – then worry about C.

State Water Board – CARES can start coordination with agencies and develop a goal statement by addressing what we mean by coordination. Then identify agencies we want to coordinate.

Central Valley Water Board – Need restructuring of California government to get one-stop shopping concept with all permits. This could be asking counties to give up permitting authority or states being asked to give up permitting authority to locals.

We can do better at getting together more often and be aware of what is going on outside the agency. The challenge is the size and complexity of California. Maybe what is possible in other states is not necessarily transferable to California because of the legislative challenges.



UC – Need to get commitment from highest levels of Central Valley Water Board, ARB, State Water Board, and SJVAPCD to coordinate permitting and UC is offering resources to help coordinate.

CARCD – Can accomplish streamlined permitting in California. Streamline permitting has been achieved in stream restoration work. This is challenging, but it can move forward.

CDQAP – Use CDQAP quarterly partnership meetings, making them more frequent if needed to include more of agencies that are closest to producers (e.g. counties and regional boards). Have subcommittee established under CARES or CDQAP with a small group of people who actually work on one-stop shopping, for example a single permit. Need ongoing communication and coordination efforts and therefore separate as new subcommittee.

Central Valley Water Board – Can commit staff to work on this. But there is still a public process in that staff has to go before the Board. Also we hear about issues from others with opposite point of view, for example, Riverkeepers, NRDC, and other environmental groups and both staff and the Board need to respond to all interests. This is a subset of our stakeholders.

NRCS –In Idaho, the Idaho One Plan was a result of producers saying agencies were not working together. Industry was present at meetings, and discussed lack of coordination and lack of information sharing. The goal was to make it more transparent and set up easy guides. If producer needs a permit, they could file online. In California we need to develop easy paths to getting application and technical assistance. NRCS put out money to start process by hiring a computer expert to start the process. 91 days was the established goal. Start with goal and then determine what it takes to reach the goal.

It may not be realistic in California to have one-stop, but need to commit to work together to start.

SJVAPCD – Part of the responsibility is to resolve cross-matrix issues and we can all start working on this.

CDC – Back to CARES question on involving industry, look at what has been established in the past, for example, involve the dairy subcommittee and get regulators to sit around that table.

SJVAPCD – Need ongoing committee that goes beyond coordination in general. There should be a checklist of issues we need to coordinate on, and the SJVAPCD are willing to share our regulations and help others understand this. CDQAP would be a good venue to work through. Others? CDFA?

WUD - At recent hearing on RSule 4570, the SJVAPCD said during development of the rule they were careful not to have an adverse influence on water quality. This is the first time we heard that presented at a public presentation, and this is good. Discussion leading toward developing new structure, e.g. subcommittee is a concern. The issue is interagency coordination. When you



establish a new group, you tend to weaken the existing structure; we must strengthen the one we already have.

CDFA – CDQAP partners' meeting is pretty good forum with the addition of key missing participants and the need to encourage those infrequent participants.

Other issues to discuss – permit coordination.

- Action Item 1 Develop checklist? E.g. develop one checklist to be used by all parties that could be posted online. This is likely a short-term effort. The checklist will likely vary county by county.
- Action Item 2 In longer term is there an opportunity to develop a programmatic EIR for the physical siting of dairies around the state?

Other issues – Stewardship – what is the difference between compliance and stewardship? Will there be a difference in 10-15 years?

CARES – Have had problems to get a programmatic EIR to work even within a county with the exception of Merced County. Programmatic EIR's are not working too well right now outside Merced County. Outlining coordination goal today is possible, without figuring out every way to achieve it.

There are several productive things that could happen without restructuring government. Also caution against establishing another long standing group.

Recommend assembling a limited life task force (with 1-2 month life) and identify the where and what things that can be coordinated and develop report. Identify list of items that would help producers comply with each regulation and assure that information is reliable and up-to-date.

CDFA Undersecretary – We do not need to invent a new identity, given we have state and federal government entities engaged already. CDFA can help bring groups together, but there has to be some empowerment to allow groups to function. CDFA is volunteering to be a central point to develop a coordinating group. Ask CARES to put together goals and objectives. Work with NRCS to move things forward. CDQAP is critically important and has been successful. Start with CDFA and NRCS and identify groups who need to be involved.

Sustainable Conservation – On the issue of coordination, Sustainable Conservation manages permit coordination programs for restoration projects. Not easy to do, but achieves good results. Coordination is not the only issue we face. The UC said there are some regulations that do not independently work well and prevent us from doing what we need to do. For example, Sustainable Conservation wanted to look at excess nutrients on dairies and the proposal was to set up offsite composting facilities. Found that the Integrated Waste Management Board made it too difficult to do and had to walk away from the effort. Similar problems with the digester program,



the State Water Board has new draft requirements so cannot build digesters and cannot assure non-degradation from building ponds and lagoons. This is a problem because you need infrastructure to mitigate the negative impacts. For the regulators, there is a tendency to say "it's easier to say no than yes." If they say no, then there is no liability. If say yes be prepared to assume some liability. Need to look at in larger environmental context and beyond "regulations say this..."

CARES – Cooperative State Research and Education Service (CSRES) provides grants and research activities and received grant funding last year from this for air research at UCD.

Secretary Kawamura is hosting a series of Farm Bill workshops in California – happening now.

CARES will write up goals and objectives and submit to CDFA Undersecretary and NRCS State Conservationist and then will coordinate with CDQAP and CARES.

What is going on with nutrient management plans? Where are we?

Central Valley Water Board - draft WDR were released at the end of March – contains nutrient management plan requirement – receiving lots of comments including requests to develop a phase-in process linked to CDQAP. Draft 2 – will have same end goal but will have phase-in with interim goals for storage, irrigation systems, etc.

CARES – What is timeframe for implementing?

Central Valley Water Board – Five to eight years.

UC – This is an appropriate timeframe. Proposing a multi-year process with five to eight year goal is essential to complete all the work with classes held each year and producers doing different portions of it.

CARES – Do we have enough technical background and knowledge to do this?

State Water Board – Have spent time comparing the NRCS CNMP to proposed WDR requirements. NRCS is looking at all aspects of managing manure which is a nutrient, having lumped in dead animals and waste chemicals into the CNMP. Need to leave nutrient management as just the application of manure and nutrients. Still have problems with organic nitrogen and how that behaves in the environment in terms of leaching. On the issue of waste management to prevent runoff and managing dead animals, we are already there and it is well understood. It will take a few more months to complete unresolved issues – about 90 days to achieve this objective.

Sustainable Conservation – We want coordination between NMP and CNMP and the draft WDR requirements. We would like the documents to be complementary and currently it does not look that way.

State Water Board – Could EPA comment on the NMP? NAP – nutrient application program.



EPA-Region 9– View the NMP as a subset of CNMP. Minimum practices are adequate storage capacity, animal mortality, nutrient loss into waters, and protocol for testing/sampling, record keeping. Optional components of NMP are feed management and other utilization options (are included in NRCS CNMP). The NMP template is available in the draft rule.

Central Valley Water Board – Draft WDRs will apply to all dairies, CAFOs and non-CAFOs.

Nutrient management plan and waste management plan (facilities). Broken into 2 parts because use different expertise. The plans contain permit conditions.

WUD – If everything works right with NMP, it will be a real change in how operations are currently run. The NMP template will fit into nutrient management part of CNMP and will hopefully fit into academic parts coming out of university.

Need step-wise process to get through nutrient management part of this – Step 1 – what do we need to do now? Step 2 – how do we get to future improvements? Suggest developing milestones with deadlines and help develop CDQAP curriculum to allow producer to get there.

Central Valley Water Board – The draft WDR is out and will be redrafting in new few weeks, likely seeing a second draft in August. We are well aware of the EPA and NRCS process.

Hopefully will not have three nutrient management plans.

NRCS State Conservationist – What steps do we need to take to achieve what the Central Valley Water Board staff just said? I have a fear there is too much academic separation terminology and not enough of dealing with what it takes to do nutrient management.

We need to agree to charge the CDQAP coordinating group to take the issue on from the technical side and invite Central Valley Water Board's group from the regulatory side and get EPA involved. I believe we could ferret out agreed to protocol and format.

State Water Board – The Central Valley Water Board staff is going to try to keep nutrient management plan separate. What is critical is for all components to be there and addressed. Believes Central Valley Water Board staff is already almost there, the key missing link is how do we apply manure to have minimum impact on the environment? The hardest part is farming without having nutrients go below the root zone.

Central Valley Water Board – Staff has spent 20 hours meeting with others going through draft WDR and we still have meetings scheduled on nutrient management part and we are well on target to reach understanding on what everyone is looking for.

Merced County – We have a grant from State Water Board to develop template and are waiting for next version of the draft WDR. The plan is to have the template be available by time of adoption of the WDR.

CARES – There is frustration because this has been around as an issue for several years and now it seems to be coming together. NRCS has been good in helping. There have been some 16 meetings recently held to address this. What the NRCS State Conservationist is asking for is starting to happen.

Sustainable Conservation – The producer needs one form to fill out that will nest or fit with NRCS, Central Valley Water Board, and EPA requirements. Will that happen?

CDQAP – We have made more progress in last nine weeks than in last several years. Glad to see USEPA draft template out. Merced County is developing software program that allows producer to keep all of his management records and can develop reports at the touch of a button. The reports could include NRCS reports needed, Central Valley Water Board requirements, and CDQAP certification requirements, etc.

NRCS – In spirit of cooperation, be sure to include the SJVAPCD so it is coordinated with air quality issues and compliance with Rule 4570.

SJVAPCD – We will be commenting on the draft WDR and USEPA CAFO draft rules.

WUD - Be sure dairy producers are at the table with everyone else. We are the ones who will be affected most directly.

CDFA – What level of effort is needed for financial assistance and technical assistance?

NRCS State Conservationist – I estimate that between \$300-400 million in infrastructure plus 100 staff years to put infrastructure in place not including educational component to accomplish within 5-7 year period. Assume average site is \$200,000 investment; assume have 1,500 dairies to do which in turn could equal \$300 million in infrastructure. I estimate 100 hours to design and plan each dairy equaling about 100 staff years for technical assistance.

State Water Board – Investment will vary by facility with some need to double land for application. Some dairies are almost there. There is some question on what is required, for example, do they need to be lined? If the answer is yes, for class 2 liners there could be \$1 million investment just for that type of improvement.

UC – In addition to outreach and infrastructure there is a separate funding need for research, for example, producers who do not have enough land for application need to develop technologies for nutrient use and export off their operations.

Discussing with USEPA Region 9 and developing a series of sessions on the Internet



Need central clearinghouse for dairy research. For example, composting the how to work around air quality issues/ integrated waste management board issues

NRCS – We have been working with USEPA for years on coordinating NMP and CNMP and this will be easy to achieve. Already have a fact sheet developed comparing the two.

CDQAP – In addition to research, we need infrastructure to support industry, e.g., consultants, field representatives, processors, trade organizations and we need to educate them, have certification or accreditation. Having CDQAP team up with NRCS to provide education and accreditation program is one avenue.

NRCS State Conservationist – Yes, we also run into the state engineering licensing board and together we have to work on that.

CARES– We will offer to participate in that effort.

Closing Comments

NRCS State Conservationist-Ed Burton – I am happy with progress on where we are with NMP and CNMP.

CDFA Undersecretary-A.J. Yates – Thank you – I will be looking for goals and objectives from CARES and we will continue to work with CDQAP and state agencies in bringing dairies into compliance.

Adjourned at 3:45 PM

Notes were taken by Diane Holcomb, State Resource Conservationist, Natural Resource Conservation Service (NRCS) and Casey Walsh-Cady, Staff Environmental Scientist, California Department of Food & Agriculture (CDFA).—Thank you!

